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Attorney Docket No.: 50004267-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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<b>Serial No.:</b>	09/875,462	<b>Examiner:</b>	Rasha S. AL AUBAIDI
<b>Filed:</b>	June 5, 2001	<b>Group Art Unit:</b>	2614
<b>Title:</b>	A COMMUNICATION PLATFORM FOR PROVIDING COMPUTER TELEPHONY INTEGRATION SERVICES TO REMOTE SUBSCRIBERS, AND ASSOCIATED METHOD		
<b>MAIL STOP APPEAL BRIEF - PATENTS</b>			
Commissioner for Patents			
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**REPLY BRIEF - PATENTS**

Sir:

The Appellants respectfully submit this Reply Brief in response to the Examiner's Answer mailed on June 10, 2010, and thus, this Reply Brief is timely filed within two months of the Examiner's Answer.

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**(1) Status of Claims**

Claims 1-25 are pending and stand rejected.

Claims 1-25 are appealed.

**(2) Grounds of Rejection to be Reviewed on Appeal**

A. Whether claims 1-6, 10-11 and 16-25 were properly rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,094,479 to Lindeberg et al. (hereinafter “Lindeberg”).

B. Whether claims 7-9, 12-15 and 21-22 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Lindeberg in view of U.S. Patent No. 6,647,109 to Henderson.

**(3) Arguments****A. The rejection of claims 1-6, 10-11 and 16-25 under 35 U.S.C. §102(b) as being anticipated by Lindeberg should be reversed.**

Claims 1-6, 10-11 and 16-25 were rejected under 35 U.S.C. §102(b) as being anticipated by Lindeberg. The listing of claims rejected under this section is incorrect because claims 21 and 22 are listed as being rejected in the next section. In any regard, this rejection is respectfully traversed for at least the same reasons set forth in the Appeal Brief filed January 3, 2010 and the following reasons.

***Independent Claim 1 recites:***

A communication platform for providing computer/telephony integration services to remote subscribers, comprising:

a switch for communicating with an external telephone network or interconnected networks through a communications trunk;

for each of one or more subscribers, a subscriber telephony component executed by processing means belonging to the communication platform and connectable to an external subscriber's information system through a private data channel, whereby said subscriber telephony component is operable to communicate with other components of said subscriber's information system so as to be logically part of said information system, each subscriber telephony component being capable of controlling calls handled by said switching unit in response to data communication through the private data channel.

In rejecting independent claim 1, the Examiner argues that Lindeberg discloses each and every element recited therein. More particularly, the Examiner asserts that the customer domain 260 or 270 depicted in Figure 1 of Lindeberg reads on the "subscriber telephony component" and that the call control functions (CCF) 243 or 247 of the service switching points (SSPs) 241 and 245 read on the "processing means" that execute the subscriber telephony component, as recited

in independent claim 1. *Examiner's Answer*, page 5, lines 2-5. The Examiner also asserts that the public communication network 100 reads on the "communication platform". *Id.*, lines 5-7. These assertions are clearly erroneous for at least the following reasons.

Initially, the assertion that the customer domain 260 or 270 reads on the claimed subscriber telephony component is clearly in error. As recited in independent claim 1, a subscriber telephony component is executed by processing means belonging to the communication platform and is connectable to an external subscriber's information system through a private data channel. Thus, the claimed subscriber telephony component forms part of the communication platform and is separate from, but connectable to an external subscriber's information system through a private channel. An example of this configuration is depicted in Figure 1 of the present application, in which, the subscriber telephony component comprises the user telephony agents 111, the external subscriber's information system comprises element 400, and the private data channel comprises the VPN connection 600.

In contrast, each of the customer domains 260 and 270 in Lindeberg is outside of and in a different domain than the public telecommunications network 100. In this regard, the customer domains 260 and 270 cannot reasonably be construed as being connectable to an external subscriber's information system because the customer domains are already in the external subscriber's information system. In addition, even assuming for the sake of argument that the call control functions (CCF) 243 or 247 are processing means within the scope of independent claim 1, the CCFs 243 or 247 do not execute the customer domains 260 and 270 in Lindeberg. Instead, the CCFs perform the actual switching of calls and provide the service switching

function with hooks and handles to allow the calls to be controlled by the service control function. *Lindeberg*, column 6, lines 52-56. Clearly, therefore, the Examiner erred in asserting that the CCF 243 or 247 reads on the processing means that executes the subscriber telephony component as recited in independent claim 1.

Furthermore, the customer domains 260 and 270 of *Lindeberg* are not capable of controlling calls handled by a switching unit of the communication platform in response to data communication through a private data channel. Instead, the customer domains 260 and 270 include a plurality of telephone devices and computer terminals 263 and 264 connected to the public telecommunications network 200 at a service switching point 241. *Lindeberg*, column 5, lines 33-43. Thus, although the customer domains 260 and 270 include telephone devices that receive calls through the SSP switches 241 and 245, the telephone devices are incapable of controlling calls that are handled by the SSP switches 241 and 245.

The Examiner's arguments on pages 9-11 of the Examiner's Answer have been considered but these arguments fail to address any of the arguments presented above. For instance, the assertions made with respect to the various networks discussed in the Response to Arguments section are irrelevant because, as discussed above, the customer domain 260 or 270 in *Lindeberg* is outside of the public telecommunications network 100 and receives calls made through the network 100. As such, the customer domain 260 or 270 is not executed by processing means belonging to the network 100 and is not connectable to an external subscriber's information system through a private data channel because the customer domain 260 or 270 is already in the external subscriber's domain.

For at least the foregoing reasons, it is respectfully submitted that the rejection of independent claim 1 is clearly erroneous. The Board is therefore respectfully requested to reverse the rejection of independent claim 1.

***Independent claim 11 recites:***

A method for providing computer telephony integration to a subscriber, comprising the following steps:  
    providing a hardware communication platform, said communication platform comprising a hosted call switching unit in communication with an external telephone network or interconnected networks through a communications trunk, and call handling resources,  
    installing a subscriber telephony component for execution on said communication platform,  
    providing a permanent private secure data channel between said subscriber telephony component in said communication platform and an external information system of said subscriber,  
    for each incoming call intended for the subscriber, directing said call to said communication platform,  
    allocating call handling resources of said communication platform to said subscriber telephony component for handling said incoming call.

The Examiner indicated that independent claim 11 has been rejected for the same reasons as those set forth in the rejection of independent claim 1. As such, the Examiner has asserted that the customer domain 260 or 270 of Lindeberg is equivalent to the subscriber telephony component. This assertion is clearly improper for at least the reasons discussed above with respect to independent claim 1. More particularly, for instance, the customer domain 260 or 270 cannot reasonably be construed as being equivalent to the subscriber telephony component as recited in independent claim 11 because Lindeberg fails to disclose that the customer domain 260 or 270 is installed for execution on the communication network 100 and that a permanent private



secure data channel is provided between the customer domain 260 or 270 in the communication platform and an external system of the subscriber. Instead, the customer domain 260 or 270 includes the external system of the subscriber.

For at least the foregoing reasons, it is respectfully submitted that the rejection of independent claim 11 is clearly erroneous. The Board is therefore respectfully requested to reverse the rejection of independent claim 11.

***Independent Claim 16 recites:***

A communication platform for providing computer/telephony integration services to remote subscribers, comprising:

a switch for communicating with an external telephone network or interconnected networks through a communications trunk;

for each of one or more subscribers, an intelligent agent executed by processing means belonging to the communication platform and connectable to an external subscriber's information system through a private data channel, whereby said intelligent agent can communicate with other components of said subscriber's information system so as to be logically part of said information system, each intelligent agent being capable of controlling calls handled by said switching unit in response to data communication through the private data channel.

In rejecting independent claim 16, the Examiner asserts that the CTI server 251 in the customer domain 250 is equivalent to the claimed intelligent agent. *Examiner's Answer*, page 5, last three lines. This assertion is clearly erroneous for at least the following reasons.

As shown in Figure 2 of Lindeberg, the CTI server 251 is interfaced with a CTI Gateway 211 of the public telecommunications network 100 through a CTI interface 285. The CTI server 251, therefore, is not executed by processing means belonging to the telecommunications network 100. In fact, the Examiner has failed to even address which element in the

telecommunications network 100 of Lindeberg is being construed as being equivalent to the claimed processing means. Instead, the CTI server 251 includes a set of general computer applications and a computing function 253. *Lindeberg*, column 6, lines 4-6. As such, the CTI server 251 includes its own processing means and thus is not executed by any processing means belonging to the telecommunications network 100.

In addition, the Examiner has failed to address how the CTI server 251 is being construed as being able to control calls handled by a switching unit in response to data communication through a private data channel with an external subscriber's information system. In any regard, because the CTI server 251 is outside of the telecommunications network 100 and Lindeberg does not appear to disclose that the CTI server 251 performs any type of call handling, the CTI server 251 is incapable of controlling calls.

For at least the foregoing reasons, it is respectfully submitted that the rejection of independent claim 16 is clearly erroneous. The Board is therefore respectfully requested to reverse the rejection of independent claim 16.

***Independent Claims 23 and 24***

Independent claims 23 and 24 each recites an intelligent agent similar to the intelligent agent recited in independent claim 16. In addition, the Examiner has rejected independent claims 23 and 24 on the same basis as the rejection of independent claim 16. Accordingly, the rejection of independent claims 23 and 24 is clearly erroneous for at least the reasons discussed above with respect to independent claim 16.

For at least the foregoing reasons, it is respectfully submitted that the rejection of independent claims 23 and 24 are clearly erroneous. The Board is therefore respectfully requested to reverse the rejection of independent claims 23 and 24.

***Independent Claim 25***

Independent claim 25 recites a subscriber telephony component similar to the subscriber telephony component recited in independent claim 1. In addition, the Examiner has rejected independent claim 25 on the same basis as the rejection of independent claim 1. Accordingly, the rejection of independent claim 25 is clearly erroneous for at least the reasons discussed above with respect to independent claim 1.

For at least the foregoing reasons, it is respectfully submitted that the rejection of independent claim 25 is clearly erroneous. The Board is therefore respectfully requested to reverse the rejection of independent claim 25.

***Depending Claims 2-6, 10, 17-20***

Depending claims 2-6, 10, and 17-20 are allowable over Lindeberg at least by virtue of their respective dependencies upon allowable independent claims 1 and 16. The Board is therefore respectfully requested to reverse the rejection of these claims.

**B. The rejection of claims 7-9, 12-15 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over Lindeberg in view of Henderson should be reversed.**

Claims 7-9, 12-15 and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lindeberg in view of Henderson. This rejection should be reversed for the same reasons set forth in the Appeal Brief filed January 3, 2010.

Depending claims 7-9, 12-15, and 21-22 are allowable over Lindeberg at least by virtue of their respective dependencies upon allowable independent claims 1, 11, and 16. In addition, the Examiner relies upon Henderson for its alleged disclosure of a telephony system that includes specific call handling resources. As such, the Examiner has not and cannot reasonably rely upon the disclosure contained in Henderson to make up for the deficiencies in independent claims 1, 11, and 16 discussed above.

Accordingly, even assuming for the sake of argument that one of ordinary skill in the art were somehow motivated to modify Lindeberg with Henderson as suggested in the Office Action, the proposed combination would still fail to disclose each and every element recited in independent claims 1, 11, and 16.

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For at least the foregoing reasons, it is respectfully submitted that the Examiner erred in asserting that the proposed combination of Lindeberg and Henderson render claims 7-9, 12-15, and 21-22 *prima facie* obvious. The Board is therefore respectfully requested to reverse the rejection of these claims and to allow these claims.

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**(4) Conclusion**

For at least the reasons given above, the rejection of claims 1-25 should be reversed and these claims allowed.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

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